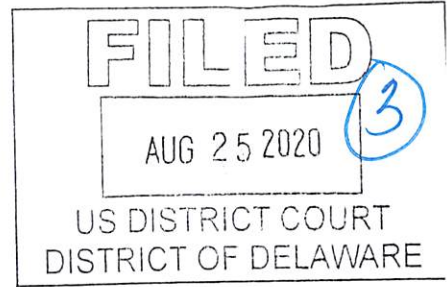


REDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



UNITED STATES OF AMERICA,
:
Plaintiff
:
v.
:
MALIK EMMANUEL WATERS,
:
Defendant.
:

Criminal Action No. 20- 53

INDICTMENT

The Grand Jury for the District of Delaware charges that:

Introduction and Background

At times material to this Indictment:

1. StarQuest Shooters and Survival Company, 3701 Concord Pike, Wilmington, Delaware possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.
2. First State Firearms and Accessories, LLC, 178 S. Dupont Highway, New Castle, Delaware, possessed a FFL and was authorized to deal in firearms under federal laws.
3. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
4. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the

ATF Form 4473 requires that the prospective purchaser certify that all his or her answers on ATF Form 4473 are true and correct.

5. Question 11(a) of ATF Form 4473 requires that the prospective purchaser certify truthfully that he or she is the actual buyer of the firearm. The ATF Form 4473 contains language warning that “You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.” The ATF Form 4473 also includes a certification by the purchaser of the firearm(s) that “I understand that answering ‘yes’ to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law.”

6. FFL holders are required to maintain a record, in the form of a completed ATF Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

COUNT 1

7. Paragraphs 2 through 6 of this Indictment are re-alleged herein.

8. On or about April 3, 2020, in the District of Delaware, the defendant, MALIK EMMANUEL WATERS, in connection with the acquisition of a firearm, that is, a Taurus TH40C, .40 caliber pistol, model number TH40C, bearing serial number SMC89959, knowingly made a false statement and representation to First State Firearms and Accessories, LLC, located at 178 S. Dupont Highway, New Castle, Delaware, a FFL licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder’s records, in that defendant WATERS certified on an ATF Form 4473 that he was the actual buyer

of the firearm and that he was not acquiring the firearm on behalf of another person, when in fact, as he knew, that statement was false and fictitious.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT II

9. Paragraphs 2 through 6 of this Indictment are re-alleged herein.

10. On or about April 4, 2020, in the District of Delaware, the defendant, MALIK EMMANUEL WATERS, in connection with the acquisition of a firearm, that is, a Smith and Wesson Shield 1.0, 9mm pistol, model Shield 9, bearing serial number HMP2148, knowingly made a false statement and representation to First State Firearms and Accessories, LLC, located at 178 S. Dupont Highway, New Castle, Delaware, a FFL licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant WATERS certified on an ATF Form 4473 that he was the actual buyer of the firearm and that he was not acquiring the firearm on behalf of another person, when in fact, as he knew, that statement was false and fictitious.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT III

11. Paragraphs 1 and 3 through 6 of this Indictment are re-alleged herein.

12. On or about April 5, 2020, in the District of Delaware, the defendant, MALIK EMMANUEL WATERS, in connection with the acquisition of a firearm, that is, a Smith & Wesson, 40 caliber pistol, model M&P M2.0, bearing serial number JEJ5157 knowingly made a false statement and representation to StarQuest Shooters and Survival Company, 3701 Concord Pike, Wilmington, Delaware, a FFL licensed under the provisions of

Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant WATERS certified on an ATF Form 4473 that he was the actual buyer of the firearm and that he was not acquiring the firearm on behalf of another person, when in fact, as he knew, that statement was false and fictitious.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

Upon conviction for the offenses alleged in Counts I through III of this Indictment, the defendant, MALIK EMMANUEL WATERS, shall forfeit to the United States pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d), the firearms involved in the commission of such offenses, including, but not limited to:

a Taurus TH40C, .40 caliber pistol, model number TH40C, bearing serial number SMC89959;

a Smith and Wesson Shield 1.0, 9mm pistol, model Shield 9, bearing serial number HMP2148;

a Smith & Wesson, 40 caliber pistol, model M&P M2.0, bearing serial number JEJ5157.

A TRUE BILL:

Foreperson

DAVID C. WEISS
UNITED STATES ATTORNEY

By:

Maureen McCartney
Maureen McCartney
Assistant United States Attorney

Date: 8/25/20